

# MISSISSIPPI DIVISION OF MEDICAID

## Eligibility Policy and Procedures Manual

### CHAPTER 300 - Resources

Page | 3390

## 306.01 DEEMING OF RESOURCES

For SSI and Medicaid purposes, an individual's resources are deemed to include any resources of an ineligible spouse or ineligible parent(s). Resources are deemed whether or not they are actually available. Deeming only applies in household situations, i.e., it only applies to an eligible with an ineligible spouse or parent(s).

In deeming resources from one spouse to the other, consider only the resources of those two individuals. In deeming resources from a parent to a child, consider only the resources of the parent. Where there is more than one eligible child, the resources available for deeming are shared equally among the children.

**Example:** If there are two eligible children and \$500 in parental resources must be deemed, deem \$250 to each child.

Do not include the resources of a stepparent who is not legally liable for support of the child under state law in the deeming process.

### 306.01.01 EXCEPTION TO DEEMING OF RESOURCES

Effective September 1, 1987, pension funds owned by an ineligible spouse or parent(s) are excluded from resources for deeming purposes. This exclusion applies in order for an ineligible spouse or parent(s) to provide for their own future support. Pension funds are defined as monies held in a retirement fund under a plan administered by an employer or union, or an individual retirement account (IRA) or Keogh account as described by Internal Revenue Code.

### 306.01.02 SPOUSE TO SPOUSE DEEMING

Total countable resources are the combination of the resources of the eligible individual and ineligible spouse after all applicable resource exclusions are applied. Total countable resources are compared to the resource limit for a couple. If the amount of the resources does not exceed the limit, the applicant/recipient meets the resource eligibility requirement. If countable resources exceed the limit for a couple, the applicant/recipient is ineligible. Verify and document the ineligible spouse's resources as required for an eligible individual.

# MISSISSIPPI DIVISION OF MEDICAID

## Eligibility Policy and Procedures Manual

### CHAPTER 300 - Resources

Page | 3391

#### Spouse to Spouse Deeming (Continued)

##### Eligible Spouses Not Living Together

If an eligible individual and eligible spouse are **not** living together, the resources of both members (whether owned separately by each or jointly by both) are combined only for the month of separation. Each member of the couple is treated as an eligible individual beginning with the month after the month of separation, i.e., no longer living in the same household, and the resource limit for each is the individual resource limit.

##### Deeming and Changes in Marital Status

When a change occurs in marital status, a new resource limit is established and a new resource determination is made for the first month in which the new resource limit (individual or couple) is effective as a result of the change.

Make a new resource determination for the first month in which a new resource limit (individual or couple) is effective as a result of the change in marital status.

**Example:** If two eligible individuals marry in February, a new resource determination would be required for March since the individuals became a couple effective on the first day of March as a result of the marriage.

For SSI or Medicaid purposes, the marital relationship of a couple can be ended by death, divorce or annulment:

- If a marriage ends by death, divorce or annulment in the same month the marriage began, treat the marriage as though it had not occurred.
- Beginning with the month following the month of the death of one member of a couple, the surviving member will be an eligible individual if all other eligibility criteria are met.
- If the marital relationship of a couple terminates by divorce or annulment, each member of the couple should be treated as an individual effective the first day of the month following the month the couple no longer lives in the same household.